REMARKS

Claims 1, 5, 7, 12 and 19-39 are pending. This paper is responsive to the Office Communication of October 5, 2007, which requested additional Remarks for the Examiner to consider. It is Applicant's understanding that this filing is to supplement the Office Action response of July 9, 2007.

The following Remarks are being presented in response to the Examiner request that Applicant review and summarize that art of record which Applicant considers particularly pertinent. In the interview of September 27, 2007, Applicant stated his belief that there are "15 or so" references on record that Applicant believes are highly pertinent. It is Applicant's understanding that Examiner's review of this set of references will enable the Examiner to focus his review of all the prior art material cited in this application. Applicant's attempt to call Examiner's attention to certain relevant sections of the identified references is not intended to be a substitute for Examiner's own reading of these references in their entirety.

Applicant invites the Examiner to telephone Applicant's attorney to discuss the references (those discussed or not discussed) or the pending claims at any time.

Claim Amendments:

Claims 1 and 32 are being amended to rectify grammatical errors.

Claim 12, 19 and 20 are being cancelled.

No new claims have been added.

PRIOR ART REMARKS

Applicant provides the following remarks regarding patent and non-patent literature cited in past Information Disclosure Statements on file with this application.

For the convenience of the Examiner, the NPL references 6-12, discussed below, are attached as Exhibits with this communication. References 12, 13 and 14 are "Declarations" on record from Applicant's December IDS filing.

1. U.S. Patent No. 6,452,609 ("Katinsky"):

Among other pertinent portions, Katinsky teaches a media access web page that includes an embedded media player and a sequencer. The media access web page "can be implemented with JavaScript and HTML 4.0, and can be accessed with a web browser, such as Microsoft Internet Explorer 4.0" (Col 4, l 21-24). Katinsky provides that the "sequencer 14 includes a play list box 44, a play list button 46 and control buttons 48." On Column 2, for example, Katinsky recites "Multiple sources of streaming content are displayed to a user, and user in put is received to select a playing order for the sources of streaming content. The playing order is stored, user input is received to start delivering the streaming content to the user, and the streaming content is presented to the user in the stored order." [Col. 2, lines 31-37]. FIG. 8A of Katinsky also shows a search box, presumably for enabling the user to perform a search for sources of streaming content. Column 5 of Katinsky, for example, illustrate the following regarding how the play list can be formed:

"When the copy of the media icon is dragged near the sequencer 14,

it will snap into the play list box **44**. By dragging media icons from the media icon access panel **12** into the sequencer **14**, the user creates a sequence or play list **50** of media icons representing a playing order for the media objects associated with the media icons. Media objects can also be added to the play list **50** by double-clicking on the media icon **30** in the outline **24**. Each element in the play list **50** includes the copy

[Column 4, line 67, Col 5 line10]

Katinsky also states the following regarding how the media access web page is provided:

The web server **1020** serves the media access web page into a client **1030**. A browser running on the client interprets the web page and displays it to the user. The web page contains the program that displays the interface controls, responds to user events, sends queries and updates to the web server **1020**, receives and manipulates recordsets from the web server **1020**, formats data for display, and controls the media player object. The web page also includes a number of data source objects (DSOs) **1034**. In general, there are at least two independent database connections for the client. One connection is to the interface database that

[Column 10, lines 17-27]

2. U.S. Patent No. 6,226,672 ("De Martin")

De Martin teaches a music oriented web site where a user ("student") may request another person ("expert") to create a play-list for them, using the user's own music library. A user can connect his PC to the Internet [Column 4, line 5-10] to access a Music Web Site [Column 4, line 12] to request a tutorial from the expert. The Expert may remotely obtain the media library contents of the student. As described on Column 4,

> Next, Expert **24** obtains Student's media library contents in step **202**. In this step, Music Web server **16** sends a command to the CD changer of A/V system **22** via the PC of PC/Intelligent A/V system **20**. For control and file transfer between these devices, any of the file transfer protocols (known in the art as FTP) may be used, as long as the FTP is supported by the Internet standard. The command issued by Music Web server **16** requires the PC to read Table of Contents (TOC) of each disk in the CD changer. Namely, the PC reads the TOC of each disk and sends this data—using the FTP—back to Music Web server **16**.

[Column 4, lines 23-36]. De Martin further teaches that the "Expert 24 creates a playlist based on the Student's media library contents." [De Martin, Column 5, lines 17-20]. Following playlist creation, De Martin provides the following:

> In step **206**, the playlist is translated into a command script file. That is, after receiving the playlist file, Music Web server **16** uses the Common Gateway Interface (CGI) program or other server program to form a command script file from the playlist. The command script file includes a series of commands for controlling A/V system **22** in compliance with a smart control protocol used in multimedia components. For example, the Assignee of the present invention has such a protocol referred to as S-Link™. This protocol provides the complete integration of multimedia components into a single coherent system: the components in this system are automatically configured (e.g., switch to a proper mode of operation) in according with the user action. For example, when the user inserts a tape into a VTR, the audio/video receiver changes to the VTR playback mode without any additional user involvement.

[De Martin, Column 5, lines 35-50]. The command script file is transferred to the Student ("command script file is sent to PC/Intelligent AV receiver 20…"). [De Martin, Column 5, lines 58-60] Additionally, De Martin teaches:

> Finally, in step **210**, Student's A/V system **22** is controlled according to these commands. Namely, PC/Intelligent A/V receiver **20** executes the commands to play the CDs in the CD changer, for example, as selected by the music connoisseur. Using the control protocol and without any user involvement, appropriate components of Student A/V system **22** will be activated, and information will be reproduced from various types of data storage media, such as CDs, DVDs, tapes, etc. in response to the playlist compiled by Expert **24**.

[De Martin, Column 5, lines 58-65].

3. U.S. Patent Application No. 2002/0194260A1 ("Headley")

Headley discloses a data processing system for generating a list of media for playback from different types of media. Headley includes:

> **[0020] FIG. 1** is a block diagram of an audio-video system **100** operatively coupled to a network capable of combining various media into a multimedia presentation. Audio-video system **100** includes audio-video devices **102**, a display device **104**, a set-top device **106**, and an input device **107** for communicating with set-top device **106**, a network **108** accessible by set-top device **106**, and a server **110** with audio and video information in an audio database **114** and video database **116** respectively. Network **108** may also include the Internet and resources associated with the Internet.

[Headley, Paragraph 0020] The set-top device 106 "sends commands to audio-video devices 102 to play audio and video media." [Headley, Paragraph 0023]. Video and audio information may be accessed from the network by the set-top device. The set top device performs operations, including:

[0027] Set-top device **106** plays audio and video media in accordance with a user defined multimedia playlist. The multimedia playlist list indicates the sequence for playing audio and video media stored on audio-video devices **102**. Additional information on generating this multimedia playlist in accordance with the present invention is discussed later herein.

[0032] Referring back to **FIG. 2**, multimedia playlist engine **220** sends commands to different audio and video devices to play different media. Preferably, multimedia playlist engine **220** processes multimedia playlist **219** to generate these commands. Multimedia playlist engine **220** can be implemented in C, JavaScript, or an object-oriented programming language such as the Java programming language. For security reasons, standard versions of the Java programming language and the JavaScript scripting language do not generally allow applications to access storage spaces and system resources associated with a computer system. Consequently, multimedia playlist engine **220** uses special extensions to JavaScript or the Java Programming language to access secondary storage **212**, memory **208**, and other storage areas where multimedia playlist **219** and related information may be stored.

In Paragraphs [0042] and [0043], the set top box searches different local and remote databases for information about media files of a play-list. Headley teaches that the set-top box 106 "sends commands to audio-video devices 102 to determine which devices are available..." [Paragraph 0039]. Additionally, Headley teaches functionality that includes:

[0045] Set-top device **106** enables the user to combine these media together into multimedia playlist **219** (step **420**). In one implementation, the user can selectively pick and choose which media to include in multimedia playlist **219**. Alternatively, set-top device **106** may randomly select media to create multimedia playlist **219**. In either case, multimedia playlist **219** is processed by multimedia playlist engine **220** which causes the media devices to play selected media in the desired sequence.

4. U.S. Patent No. 5,616,876 ("Cluts")

Cluts teaches "interactive network provides music to subscribers. A "more like" function allows a subscriber to use a seed song to identify other songs that are similar to the seed song, and to add the new songs to the current playlist." [Abstract]. In Cluts, a user-search request is received to playback media from the network [Cluts, Column 12, lines 41-53]. A database is accessed that includes a plurality of links that are provided as an online catalog. [Cluts, Column 12, lines 41-53]. In this context, Cluts provides:

> As mentioned above, a playlist is a collection of songs. When a playlist is selected, the audio on demand system begins to play the first song in the playlist. The name of the current song is displayed in a song title box **520**. The artist's name is displayed in an artist box **525**. A counter **530** displays the elapsed time of the current song.

[Cluts, Column 13, lines 38-43]. Additional sections of Cluts include:

The headend system **12** can include a set of headend servers **20**, including a continuous media server (CMS) system **22** and one or more administrative servers **24**, to support various network functions, and a control network **26** linking these headend servers. The headend servers **20** can execute program modules, including service and application program software, to support the transmission of programming information and the reception of requests for such programming information.

[Cluts, Column 6, lines 43-46] Cluts also provides:

Selected operating functions of the set-top terminal **48** can be controlled by an input device **54** capable of supplying input data to the set-top terminal **48**. The input device **54** can be used to transmit command signals to the set-top terminal **48** and to input character-based data, such as text, for processing by the set-top terminal **48**. For example, the input

[Cluts, Column 8, lines 64-67] Cluts in Column 9, a "microprocessor [is] dedicated to control operations associated with the bi-directional communications with the headend system 12, whereas another microprocessor may be dedicated to the generation of graphics." [Column 9, lines 57-61].

5. U.S. Patent No. 6,502,194("Berman")

Berman provides "a playback unit resembling a home audio component" that "retrieves audio data from a remote server and plays them back in real time, using a home audio system, in response to user selection." [Berman, Abstract] In Berman, "the playback unit provides an interface between a network source for audio material, such as the Internet, and a conventional home audio system for playback." [Berman, Abstract] Berman provides that the receipt of audio material on the playback unit "can be

controlled by network servers that provide the audio material to the playback unit." [Column 3, lines 46-48]. Berman teaches user control of the playback unit, including control features such as STOP and PLAY. [Column 5, lines 20-40]. The playback unit may request song title information from a server, and the server may return a network address for a requested song. Berman teaches that the network address may correspond to a URL. The playback unit may use the URL to initiate communication with an appropriate audio server. [Column 7, lines 39-45] As taught by Berman in Column 7, the "DUL server maintains control over communication from the playback unit to the network, and therefore, the [server] can determine if the audio material server at the indicated URL is inactive or not responding." [Berman, Column 7, line 38-53]. The playback unit's operations include the following description:

The system operating modes specify an algorithm for determining the next track. The normal mode specifies that the "next" track is the next sequential track in the selected compilation. The random mode specifies that the "next" track is a randomly selected track in the selected compilation. The custom mode specifies that the "next" track is a user programmed track, such as when a user records a program of track selections for playback in the programmed order.

Once the "next" track is determined in accordance with the operating mode, the microprocessor determines if the next track is in the memory buffer of the playback unit. If the next track is not in the buffer, a negative outcome at the decision box **506**, then the microprocessor requests the missing track from the appropriate audio material server. The request is represented by the flow diagram box numbered **508**. The microprocessor waits for receipt of the missing track, as indicated by the flow diagram box numbered **510**, and then loops to the decision box **506** again. Once a sufficient portion of the track is received or otherwise located in the buffer, an affirmative outcome at the decision box **506**, the microprocessor begins streaming the audio material data from the memory buffer to the DSP for processing. The DSP may be one of a number of commer-

[Berman, Column 9, lines 7-35]

6. NPL: "Internet Radio"

Applicant directs the Examiner to the various descriptions provided in this article of streaming radio-like music services. On Page 6 of this reference, for example, is the following:

RadioMoi

RadioMoi (*www.radiomoi.com*) provides access to thousands of songs, an Interactive Music Library that lets you play DJ and create your own shows, and an Interactive Jukebox that lets you select songs to be played on demand (only a portion of the songs are approved for interactive access). Channels (RadioMoi calls them shows) include an array of music, comedy and celebrity interviews.

RadioMoi was the first webcaster to sign an agreement with the RIAA and to be licensed under the Digital Millennium Copyright Act. This license allows RadioMoi to stream copyrighted sound recordings and requires them to make royalty payments. RadioMoi also provides links to artist and record label Web sites and lets listeners purchase albums on the spot.

("Internet Radio",Page 6)

7. NPL: "The MP3 and Internet Audio Handbook"

This reference includes additional descriptions of online radio-like music services.

Consider the following sections of this reference:

Imagine Radio

At Imagine Radio (*www.imagineradio.com*) you can listen to music from the site's own stations, listen to other people's customized radio stations, or even create your own personal radio station. You can also buy a CD on the spot if you like a song after listening to it.

To listen to music, choose a station and click on the Listen button. The Imagine Radio tuner will load and, after a few seconds, a song will start playing. The tuner will then display the title and artist name. To stop a song that's playing, click on the Pause button above the song title. You can skip forward to the next song, but you can't go back to the previous song because of current webcasting laws.

To create your own customized radio station, you first select a name, a "scene," and the music genres (Blues, Jazz, Rock, etc.) to include. Then you browse a list of artists and rank them depending on how frequently you want their songs to be played. To listen to your station, select the play my station button from the main page.

You can rate any song by clicking on the Edit button while the song is playing. This influences how often the song plays on your station in the future. Ratings go from 0 to 5 and IR. If you hate the song and never want to hear it played on your station, select 0. If you love the song and want to hear it frequently, select 5. To have the Imagine Radio DJ decide how often the song is played, select IR.

You can make your custom station available to others, and you can even e-mail friends a link to your station. You can also listen to radio stations that other listeners have put together, (with names like FartsinRer and RaveZone) grouped in such themes as Carnival, French Quarter and Woodstock.

To listen to Imagine Radio, you need either the RealPlayer G2 or the Windows Media Player.

RadioMoi

RadioMoi (*www.radiomoi.com*) provides access to thousands of songs, an Interactive Music Library that lets you play DJ and create your own shows, and an Interactive Jukebox that lets you select songs to be played on demand (only a portion of the songs are approved for interactive access). Channels (RadioMoi calls them shows) include an array of music, comedy and celebrity interviews.

RadioMoi was the first webcaster to sign an agreement with the RIAA and to be licensed under the Digital Millennium Copyright Act. This license allows RadioMoi to stream copyrighted sound recordings and requires them to make royalty payments. RadioMoi also provides links to artist and record label Web sites and lets listeners purchase albums on the spot.

Radio Moi uses an encrypted form of MP3. To listen to audio, you must use Winplay (the free RadioMoi player). If you have other MP3 players, such as Winamp, installed you may need to change the application associated with the .M3U file type. Otherwise, your MP3 player may attempt to play the

Additionally,

Spinner

Spinner (*www.spinner.com*) is owned by America Online and offers access to more than 150,000 songs across 100+ music channels, grouped by genre, with programmable presets. You can rate any song that's played, access artist information, and, if you want, purchase the CD. Currently, Spinner doesn't allow you to set up your own station.

8. NPL: "A Content-Aware Sound Browser" & "Audio Databases with Content-Based Retrieval" ("Muscle Fish")

Two NPL references included in a recent IDS submission pertain to sound creation technology by the name of "Muscle Fish". Page 2 of the "Content-Aware" reference provides:

A database is built up by adding URLs to it (either local files or Web addresses.) Directories can be added recursively; in a single step one can add all the sound files on a given disk, for example. The supported audio file formats include WAV, AIFF, AU, and Sound Designer II. When sounds are added, the engine analyzes the audio in the file or URL and stores the resulting feature vector in the database. Long sound files can be automatically segmented. In addition, "thumbnails" of sounds can optionally be generated. A thumbnail is a low-resolution, optionally truncated version of the source sound file. Thumbnails are useful for auditioning search results when the original sounds are offline.

The data record for each sound includes not only the acoustic feature vector but also soundfile information (sample rate, format, number of channels, duration, etc.), date, and textual keyword and comment fields. The text fields can be applied

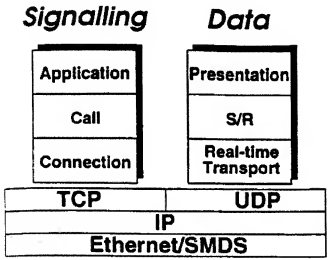
("Muscle Fish, Page 2"). Page 3 of this article provides the following:

The bottom portion of the window displays the current records (often, the result of a query). Sounds can be auditioned by double-clicking, and multiple selections are possible. These results can be viewed in one of three ways: as a list (Figure 1), hierarchically by category, or as a 2-D plot (Figure 2). In the 2-D plot, the axes can be various acoustic attributes or the begin and end times of the sounds. The begin and end times are useful for automatically segmented sound files; by choosing begin time for an axis, one can view the temporal trajectory of a particular acoustic feature.

The "Audio Database" reference provides more specifics on this technology. See as illustrative , Figure 2 on page 10 and descriptions on Page 10-19.

9. NPL: The Network Video Jukebox

The reference teaches that "the addition of real-time transport software on top of the standard Internet protocols allows ...video and audio clips" within a system that is network enabled. Examples of pertinent teachings in this reference include those provided on Pages 6-8, including with the following figure:



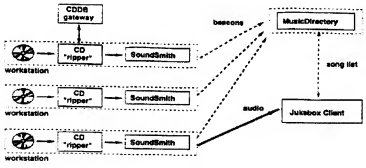
10. NPL Multimedia Federated DB on Intranets

Various sections of this article are pertinent, including sections pertaining to integration of web clients. (See Page 7-8)

11. NPL: Ninja Jukebox

This reference teaches an "infrastructural service that allows a community of users to build a distributed, collaborative music repository that delivers digital music to Internet clients, and that performs simple collaborative filtering based on users' song

preferences inferred by the service." Section 3.2 of the article includes provisions for "MP3 playback and security". The following figure and extract provides an overview of some of the teachings in this reference:



Jukebox Clients: Jukebox Clients interact with a MusicDirectory to gather a listing of available music, and with many SoundSmiths to receive and play specific songs. We have currently implemented two clients. The first presents a graphical user interface to the user (figure 2), and allows users to build playlists of available songs. Music streamed to this client is shuttled to external music players that understand many music formats and have the ability to play music as it is streamed over the network. Internally, this client is decomposed into a GUI front end and a song selection back end. The GUI front end provides the user with controls for constructing playlists, and with familiar *play*, *stop*, *pause*, *fast-forward*, and *reverse* buttons. The song selection back end selects specific songs to play given the list of currently available music from the MusicDirectory, the user's manually constructed playlist, and events that are generated when the buttons such as *play* or *stop* are pressed. The second client is a proxy that converts between the APIs and data structures exported by the Ninja Jukebox service and HTML forms. This proxy allows conventional HTML browsers to access the Jukebox: music is streamed through the proxy to the browser, or presumably to the browser's helper applications that can actually understand specific audio formats.

See "Ninja Jukebox", Page 4.

12. **A STREAMING MEDIA JUKEBOX (and related documents)**

Pertinent portions include the following:

> The Media Player comes in two formats: an ActiveX control and a Plugin. The ActiveX control can be used only with Microsoft's Internet Explorer running on the Windows operating system. The Media Player's Plugin can be used with Netscape Navigator as well as Internet Explorer running on different operating systems than Windows. In Column 51 we showed you how to embed Microsoft's Windows Media Player in your page and how to control it with JavaScript. Embedding and controlling the Media Player's Plugin is very different, both in how you embed it in your page and in how you control it from your script. In this column we'll show you how to overcome some deficiencies in controlling the Media Player's Plugin so you will be able to create A Streaming Media JukeBox with similar capabilities to the ActiveX control version. Go ahead and play with the jukebox. The Windows Media Player's Plugin is supported only by Netscape Navigator 4.0 and up. In this part we present the PC version only. We'll present the Mac version in a later column. Please refer to our previous part to learn about the difference between audio, ASF, and ASX file formats

13-16: Loomis, Patterson, Brownrigg and DeRose Declarations

No explanation of these references are provided. With regard to these references in particular, Applicant respectfully reminds the Examiner that the submission of references in an Information Disclosure Statement is not to be construed as an admission that the submitted references are in fact prior art.

CONCLUSION

A Notice of Allowance is respectfully requested. If there are any questions or comments that the Examiner wishes to direct to Applicant's attorney, the Examiner is invited to call Applicant's attorney at (408) 551-6632.

If there are any additional charges, please charge them to Deposit Account No. 50-1914.

Respectfully submitted,

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